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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,264	06/26/2003	Albert H. Perdon	006240.00011	4515

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EXAMINER

SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/606,264	Applicant(s) PERDON, ALBERT H.	
	Examiner Daniel Swerdlow	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1,7-44 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/26/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, claims 2 through 6 and 45 in the reply filed on 12 October 2006 is acknowledged. The traversal is on the ground(s) that search and examination of at least Group III in addition to the elected group can be made without serious burden. This is not found persuasive because the invention of Group III, in addition to the selective manipulation of audio signals, also embodies selective reproduction, requiring search in a diverse art area.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 45 recites the limitation "the list of audio segments". There is insufficient antecedent basis for this limitation in the claim. To advance prosecution, examiner treats the claim on the merits below based on the interpretation that the recitation is intended as "a list of audio segments".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2 through 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yifrach et al. (US Patent 5,463,599).

6. Regarding Claim 2, Yifrach discloses a radio receiver with a buffer (Fig. 1) comprising: an antenna (10) and RF circuit (12) that receives RF signals that correspond to the broadcast data signal claimed and include audio signals that correspond to the encoded audio signal claimed (column 2, line 66-column 3, line 2); a demodulator (13) that extracts (i.e., decodes) the audio signals that correspond to the encoded audio signal claimed from the RF signals that correspond to the broadcast data signal claimed (column 3, lines 11-14); a cyclic storage device (22) that stores the audio signals outputted from the demodulator (13) (column 3, lines 14-16); a logic circuit (24) that responds to selections of a JB/F button (25) (column 3, lines 28-52) and a Skip switch (31) (column 4, lines 56-62) (i.e., determines whether an audio manipulation signal is received) and replays (i.e., identifies, reads, manipulates and outputs) the previously broadcast 60 seconds of information (i.e., at least one segment of the audio signal) in response to depression of the JB/F button (i.e., receipt of the audio manipulation signal) (column 3, line 66-column 4, line 9).

7. Regarding Claim 3, Yifrach further discloses a digitizer (21) that converts the audio signals to digital form (i.e., encodes) for storage (column 3, lines 11-16).

8. Regarding Claim 4, Yifrich further discloses outputting audio in a delayed-time (i.e., linear) manner (column 4, lines 48-53).
9. Regarding Claim 5, Yifrich further discloses outputting audio in an increasing delay distorted (i.e., non-linear) manner (column 4, lines 37-43).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yifrich in view of Wolff (US Patent 5,946,050).
12. Regarding Claim 6, as shown above apropos of Claim 2, Yifrich anticipates all elements except the audio manipulation signal being representative of a request to identify a type of meta-data in the audio signal. Wolff discloses a selective recording system (Fig. 5) controls audio buffering based on keywords in the audio stream (i.e., meta-data) column 4, lines 25-46). Wolff further discloses that such an arrangement provides efficient use of storage by storing and reproducing only content of known interest (column 2, lines 29-43). It would have been obvious to one skilled in the art at the time of the invention to apply meta-data based buffering control as taught by Wolff to the buffering radio receiver taught by Yifrich for the purpose of realizing the aforesaid advantages.

Art Unit: 2615

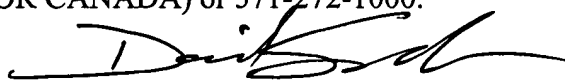
13. Regarding Claim 45, Wolff further discloses monitoring for a set of keywords that correspond to entries within a list of audio segments (column 4, lines 30-34).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow
Primary Examiner
Art Unit 2615